IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
O R D E R

S.B. Civil Second Appeal No.537 Of 2006.

Gopali Bai Vs. Smt. Ramjanki & Others

Date Of Order ::: 09.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Manoj Sharma, Counsel for plaintiff-appellant.

By the Court :

Heard learned counsel for the plaintiff-appellant on the application under Section 5 of the Limitation Act as well as on the admission of the second appeal on merits.

The plaintiff-appellant filed a suit for partition in the Lower Court, which was dismissed. The finding of the Lower Court has been affirmed by the First Appellate Court also.

I have considered the submissions of learned counsel for the plaintiff-appellant in the light of the findings of both the Courts below and I find that the controversial issues involved in the present case are

relating to the question of facts and there is a concurrent finding of fact recorded by both the Courts, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

The delay made in filing the second appeal has not been explained properly. Accordingly, the application under Section 5 of the Limitation Act is hereby dismissed.

No substantial question of law is involved in the this second appeal.

Consequently, the second appeal is dismissed being barred by limitation as well as on merits in limine.

(Narendra Kumar Jain) J.

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